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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christopher W.
Blackburn et al.

Examiner: Omkar A. Deodhar

Serial No.: 10/788,661

Group Art Unit: 3714

Filed: February 26, 2004

Docket: 1842.021US1

For: GAMING MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING
NETWORK ENVIRONMENT

APPEAL BRIEF UNDER 37 CFR § 41.37

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on September 10, 2008, from the Final Rejection of claims 1-36 of the above-identified application, as set forth in the Final Office Action mailed on April 10, 2008.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$540.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, WMS GAMING INC.

2. RELATED APPEALS AND INTERFERENCES

The following patent applications are related to the above-identified application, are currently appealed to the Board, and may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. No decisions have been rendered by the Board as of the filing of this Appeal Brief.

<u>App. Serial #</u>	<u>Attorney Docket</u>	<u>Title</u>
10/813,653	1842.017US1	EVENT MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/788,903	1842.020US1	GAMING MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/788,902	1842.022US1	GAME UPDATE SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/796,562	1842.027US1	AUTHORIZATION SERVICE IN A SERVICE-ORIENTED GAMING NETWORK
10/802,700	1842.028US1	NAME SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/802,701	1842.029US1	TIME SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/802,699	1842.030US1	ACCOUNTING SERVICE IN A SERVICE ORIENTED GAMING NETWORK ENVIRONMENT

3. STATUS OF THE CLAIMS

The present application was filed on February 26, 2004 with claims 1-36. A non-final Office Action mailed June 15, 2007 rejected claims 1-36. A Restriction Requirement mailed November 28, 2007 stated that claims 1-36 were “withdrawn from consideration as directed to a non-elected invention.” A Final Office Action (hereinafter “the Final Office Action”) was mailed April 10, 2008 withdrawing the Restriction Requirement and rejecting claims 1-36. Pending claims 1-36 stand twice rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action dated April 10, 2008.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Some aspects of the present inventive subject matter include, but are not limited to, systems and methods that provide a gaming management service in a service-oriented gaming network environment. In general, the independent claims recite systems and methods that provide a three party handshake for providing a gaming management service on a wagering game network. The gaming management service first sends service information to a discovery agent, the discovery agent authorizes and authenticates the gaming management service and in response publishes the service information, and a client such as a wagering game machine desiring to use the gaming management service obtains the service information from the discovery agent and uses the service information to contact and utilize the gaming management service.

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a “concise explanation of the subject matter defined in each of the independent claims involved in the appeal . . .” Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims in any way.

INDEPENDENT CLAIM 1

1. A method for providing a gaming management service in a gaming network, the method comprising:

 sending service information for the gaming management service from the gaming management service to a discovery agent on the gaming network, wherein the gaming management service provides configuration updates for a plurality of gaming machines communicably coupled to the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; *[see e.g., FIGs. 1-2, element 10; FIG. 3, elements 302 and 304; Fig. 5B, elements 501, 502, 503 and 521; page 6, line 15 to page 7, line 12; page 17, lines 18-29; page 20, line 27 to page 21, line 7]*

determining by the discovery agent if the gaming management service is authentic and authorized; *[see e.g., Fig. 5B elements 522 and 523; page 21, lines 8-13]*

in response to determining that the gaming management service is authentic and authorized, publishing service information to a service repository to make the gaming management service available on the gaming network; *[see e.g., FIG. 3 elements 324 and 326; FIG. 5A element 510; FIG. 5B element 524; page 10, line 21 to page 12, line 27; page 21 lines 14-17]*

receiving by the discovery agent a request for the location of the gaming management service from the gaming machine communicably coupled to the gaming network; *[see e.g., FIG. 5B element 525, page 21 lines 18-20]*

returning the service information for the gaming management service to the gaming machine; *[see e.g., FIG. 5B elements 526, 527 and 528, page 21 lines 21-26]*

sending a request using the service information to the gaming management service to register the gaming machine with the gaming management service; *[see e.g., FIG. 5B, element 529; page 22, lines 1-2]*

determining if the gaming machine is authorized to utilize the gaming management service; and *[see e.g., FIG. 5B, elements 530 and 531; page 22, lines 3-6]*

in response to determining that the gaming machine is authorized to utilize the gaming management service, processing one or more service requests between the gaming machine and the gaming management service so as to provide the configuration updates to the gaming machine. *[see e.g., FIG. 5B, elements 536, 537 and 538; page 22, lines 14-22]*

INDEPENDENT CLAIM 13

13. A gaming network system comprising:

a gaming management service communicably coupled to a gaming network, wherein the gaming management service is operable to provide configuration updates for a plurality of gaming machines communicably coupled to the gaming network and wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; and *[see e.g., FIGs. 1*

and 2, element 10; FIG. 3, element 304; Fig. 5B, elements 501 and 502; page 6, line 15 to page 7, line 12; page 17, lines 18-29]

a discovery agent communicably coupled to the gaming network, the discovery agent operable to: [see e.g., FIG. 3, element 306; Fig. 5B, element 503, page 11, lines 15-27]

receive service information from the gaming management service, [see e.g., FIG. 5B, elements 521; page 21, lines 5-7]

determine if the gaming management service is authentic and authorized for the gaming network, and [see e.g., Fig. 5B elements 522 and 523; page 21, lines 8-13]

publish the service information to a service repository to make the game update service available on the gaming network; [see e.g., FIG. 3 elements 324 and 326; FIG. 5A element 510; FIG. 5B element 524; page 10, line 21 to page 12, line 27; page 21 lines 14-17]

wherein at least one gaming machine communicably of the plurality of gaming machines coupled to the gaming network is operable to issue a request for the location of the gaming management service to the discovery agent and use the service information received from the discovery agent to issue a registration request to the gaming management service; and [see e.g., FIG. 5B element 525, 526, 527 and 528; page 21 lines 18-26]

wherein the gaming management service is further operable to:

receive registration requests from the at least one gaming machine; [see e.g., FIG. 5B, element 529; page 22, lines 1-2]

verify that the at least one gaming machine is authorized to utilize the gaming management service, and [see e.g., FIG. 5B, elements 530 and 531; page 22, lines 3-6]

process service requests between the gaming machine and the gaming management service wherein configuration update information is communicated to the at least one gaming machine [see e.g., FIG. 5B, elements 536, 537 and 538; page 22, lines 14-22]

INDEPENDENT CLAIM 25

25. A computer-readable medium having computer executable instructions for performing a method for providing a gaming management service in a gaming network, the method comprising:

sending service information for the gaming management service from the gaming management service to a discovery agent on the gaming network, wherein the gaming management service provides configuration updates for a plurality of gaming machines communicably coupled to the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; *[see e.g., FIGs. 1-2, element 10; FIG. 3, elements 302 and 304; Fig. 5B, elements 501, 502, 503 and 521; page 6, line 15 to page 7, line 12; page 17, lines 18-29; page 20, line 27 to page 21, line 7]*

determining by the discovery agent if the gaming management service is authentic and authorized; *[see e.g., Fig. 5B elements 522 and 523; page 21, lines 8-13]*

in response to determining that the gaming management service is authentic and authorized, publishing service information to a service repository to make the gaming management service available on the gaming network; *[see e.g., FIG. 3 elements 324 and 326; FIG. 5A element 510; FIG. 5B element 524; page 10, line 21 to page 12, line 27; page 21 lines 14-17]*

receiving by the discovery agent a request for the location of the gaming management service from the gaming machine; *[see e.g., FIG. 5B element 525, page 21 lines 18-20]*

returning the service information for the gaming management service to the gaming machine; *[see e.g., FIG. 5B elements 526, 527 and 528, page 21 lines 21-26]*

sending a request using the service information to the gaming management service to register the gaming machine with the gaming management service; *[see e.g., FIG. 5B, element 529; page 22, lines 1-2]*

determining if the gaming machine is authorized to utilize the gaming management service; and *[see e.g., FIG. 5B, elements 530 and 531; page 22, lines 3-6]*

in response to determining that the gaming machine is authorized to utilize the gaming management service, processing one or more service requests between the gaming machine and

the gaming management service so as to provide the configuration updates to the gaming machine. *[see e.g., FIG. 5B, elements 536, 537 and 538; page 22, lines 14-22]*

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-36 were provisionally rejected under a non-statutory double patenting rejection as being unpatentable over claims 1-31 of copending Application No. 10/788,902.

Claims 1-36 were rejected under 35 U.S.C. § 102(e) for anticipation by Gatto (U.S. Patent 6,916,247).

7. ARGUMENT

A) Discussion of the provisional double patenting rejection of claim 1-36

Claims 1-36 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10/788,902. Appellant does not admit that the claims are obvious in view of copending Application No. 10/788,902. Because the present application and copending Application No. 10/788,902 are still undergoing prosecution, and because the rejection is a provisional rejection, Appellant submits that the double patenting issues are not yet ripe for appeal. However, Appellant will consider filing a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) when all other issues related to the patentability of the claims have been resolved.

B) The Applicable Law under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *M.P.E.P* § 2131. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. V. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

C) Discussion of the rejection of claims 1-36 under 35 U.S.C. § 102(e) as being anticipated by Gatto (U.S. Patent 6,916,247).

Claims 1-36 were rejected under 35 U.S.C. § 102(e) for anticipation by Gatto (U.S. Patent 6,916,247, hereinafter “Gatto”) This rejection is respectfully traversed, Appellant respectfully submits that the Final Office Action has made an improper *prima facie* showing of anticipation at least because the claims contain elements not found in Gatto.

For example, claim 1 recites “sending service information for the gaming management service from the gaming management service to a discovery agent on the gaming network.” Claims 13 and 25 recite similar elements regarding a service sending service information to a discovery agent. The Final Office Action, in the Response to Applicant’s Arguments portion, states that Gatto teaches a UDDI discovery agent “to publish web services and enable software to search for and bind to available services.” Appellant respectfully disagrees that the cited section teaches “sending service information for the gaming management service from the gaming management service to a discovery agent on the gaming network.” Gatto, at column 15, lines 54-62 states:

... UDDI nodes enables developers to publish web services and enables their software to search for and bind to services offered by others.

Network Services deliver loose coupling services between service requesters and service providers. Service requestors "consume" services provided by services providers. Publication of service descriptions play a central role to enable service requesters to discover available services and bind to them.

Nothing in the cited section, nor in Gatto as whole discloses that a service provider sends service information to a discovery agent. While Gatto does disclose that service information is published, Gatto is silent as to how the information is provided to a UDDI node in order to be published. It is neither inherent nor necessary that a service provide service information to a discovery agent. For example, one way known in the art is for a user to provide service information to a discovery agent using a user interface to provide configuration details or to direct the discovery agent to read configuration from a file. Gatto does not disclose any specific mechanism for a discovery agent to obtain service information, thus Gatto does not teach or

suggest that a gaming management services “sending service information for the gaming management service from the gaming management service to a discovery agent on the gaming network” as recited in claim 1 and similarly recited in claims 13 and 25.

Further, claim 1 recites “determining by the discovery agent if the gaming management service is authentic and authorized.” Claims 13 and 25 recite similar language with respect to a discovery agent authenticating and authorizing a gaming management service. The Final Office Action, in the Response to Applicant’s Arguments, states that Gatto discloses that service updates are authenticated and authorized, that network communications are authorized and that applications may be downloaded onto a gaming machine. Further The Final Office Action states that Gatto teaches a UDDI discovery agent that “aids in the aforementioned functionality.” Appellant respectfully disagrees that this discloses “determining by the discovery agent if the gaming management service is authentic and authorized” as recited in claims 1, 13 and 25. Appellant notes that none of the activities cited in the Office Action authenticate or authorize a service for a network. Authenticating service updates or communications between entities on a network is different from authenticating and authorizing that a service is allowed on the network and can therefore be published. Further, while Gatto may disclose that applications may be downloaded, Gatto does not disclose that the applications are authorized or authenticated. In view of the above, Gatto fails to disclose “determining by the discovery agent if the gaming management service is authentic and authorized.” Moreover, even assuming the authentication and authorization actions cited in the Office Action were interpreted to read on authentication of a service (which is not admitted), Gatto still fails to disclose each and every element of the claimed invention, arranged as in the claim because Gatto fails to disclose a discovery agent that authenticates or authorizes a gaming management service prior to publishing information about the gaming management service. Such an arrangement provides the advantage that services must be authenticated and authorized before being published on the network, thereby reducing the potential that a service may engage in harmful actions on a gaming network.

For all of the above reasons, Gatto fails to disclose multiple elements of Appellant’s claims 1, 13 and 25. Further, Gatto fails to disclose each and every element of claims 1, 13 and 25 arranged as in the claims. As a result, Gatto fails to anticipate claims 1, 13 and 25. Appellant respectfully requests reversal of the rejection of claims 1, 13 and 25.

Claims 2-12 depend from claim 1, claims 14-24 depend from claim 13 and claims 26-36 depend from claim 25. These dependent claims inherit the elements of their respective base claims 1, 13 and 25 and are not anticipated by Gatto for at least the reasons discussed above regarding their respective base claims. Appellant respectfully reversal of the rejection of claims 2-12, 14-24 and 26-36.

SUMMARY

For the reasons argued above, claims 1-36 were not properly rejected under 35 U.S.C § 102(b) as being anticipated by Gatto.

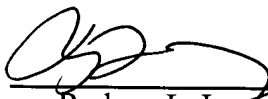
It is respectfully submitted that the art cited does anticipate the claims and that the claims are patentable over the cited art. Reversal of the rejections and allowance of the pending claims are respectfully requested.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402

Date March 13, 2009

By


Rodney L. Lacy
Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of March 2009.

Name

Rodney L. Lacy

Signature



8. CLAIMS APPENDIX

1. A method for providing a gaming management service in a gaming network, the method comprising:

sending service information for the gaming management service from the gaming management service to a discovery agent on the gaming network, wherein the gaming management service provides configuration updates for a plurality of gaming machines communicably coupled to the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game;

determining by the discovery agent if the gaming management service is authentic and authorized;

in response to determining that the gaming management service is authentic and authorized, publishing service information to a service repository to make the gaming management service available on the gaming network;

receiving by the discovery agent a request for the location of the gaming management service from the gaming machine communicably coupled to the gaming network;

returning the service information for the gaming management service to the gaming machine;

sending a request using the service information to the gaming management service to register the gaming machine with the gaming management service;

determining if the gaming machine is authorized to utilize the gaming management service; and

in response to determining that the gaming machine is authorized to utilize the gaming management service, processing one or more service requests between the gaming machine and the gaming management service so as to provide the configuration updates to the gaming machine.

2. The method of claim 1, wherein the gaming management service comprises a web service.
3. The method of claim 1, wherein the service request comprises a request for configuration update by the gaming machine.
4. The method of claim 3, further comprising:
receiving a configuration change; and
wherein the gaming management service issues a configuration update to the gaming machine in response to the configuration change.
5. The method of claim 1, wherein the service request comprises a request to download a configuration to the gaming machine.
6. The method of claim 1, wherein the service request comprises a query for the status of devices on the gaming network.
7. The method of claim 1, wherein the service request comprises an event report from the gaming machine to the gaming management service.
8. The method of claim 1, wherein the service request comprises a request for events that match a supplied criteria.
9. The method of claim 1, wherein the service request comprises a request by the gaming management service to query the gaming machine configuration.
10. The method of claim 1, wherein the service request comprises a request by the gaming management service to query a status of the gaming machine.

11. The method of claim 10, wherein the status includes a status of a device on the gaming machine.

12. The method of claim 11, wherein the device is a coin acceptor.

13. A gaming network system comprising:

a gaming management service communicably coupled to a gaming network, wherein the gaming management service is operable to provide configuration updates for a plurality of gaming machines communicably coupled to the gaming network and wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; and

a discovery agent communicably coupled to the gaming network, the discovery agent operable to:

receive service information from the gaming management service,

determine if the gaming management service is authentic and authorized for the gaming network, and

publish the service information to a service repository to make the game update service available on the gaming network;

wherein at least one gaming machine communicably of the plurality of gaming machines coupled to the gaming network is operable to issue a request for the location of the gaming management service to the discovery agent and use the service information received from the discovery agent to issue a registration request to the gaming management service; and

wherein the gaming management service is further operable to:

receive registration requests from the at least one gaming machine;

verify that the at least one gaming machine is authorized to utilize the gaming management service, and

process service requests between the gaming machine and the gaming management service wherein configuration update information is communicated to the at least one gaming machine.

14. The gaming network system of claim 13, wherein the gaming management service comprises a web service.

15. The gaming network system of claim 13, wherein the service request comprises a request for configuration update by the gaming machine.

16. The gaming network system of claim 15, wherein the gaming management service is further operable to:

receive a configuration change; and

issue a configuration update to the gaming machine in response to the configuration change.

17. The gaming network system of claim 13, wherein the service request comprises a request to download a configuration to the gaming machine.

18. The gaming network system of claim 13, wherein the service request comprises a query for the status of devices on the gaming network.

19. The gaming network system of claim 13, wherein the service request comprises an event report from the gaming machine to the gaming management service.

20. The gaming network system of claim 13, wherein the service request comprises a request for events that match a supplied criteria.

21. The gaming network system of claim 13, wherein the service request comprises a request by the gaming management service to query the gaming machine configuration.

22. The gaming network system of claim 13, wherein the service request comprises a request by the gaming management service to query a status of the gaming machine.
23. The gaming network system of claim 22, wherein the status includes a status of a device on the gaming machine.
24. The gaming network system of claim 23, wherein the device is a coin acceptor.

25. A computer-readable medium having computer executable instructions for performing a method for providing a gaming management service in a gaming network, the method comprising:

- sending service information for the gaming management service from the gaming management service to a discovery agent on the gaming network, wherein the gaming management service provides configuration updates for a plurality of gaming machines communicably coupled to the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game;

- determining by the discovery agent if the gaming management service is authentic and authorized;

- in response to determining that the gaming management service is authentic and authorized, publishing service information to a service repository to make the gaming management service available on the gaming network;

- receiving by the discovery agent a request for the location of the gaming management service from the gaming machine;

- returning the service information for the gaming management service to the gaming machine;

- sending a request using the service information to the gaming management service to register the gaming machine with the gaming management service;

- determining if the gaming machine is authorized to utilize the gaming management service; and

- in response to determining that the gaming machine is authorized to utilize the gaming management service, processing one or more service requests between the gaming machine and the gaming management service so as to provide the configuration updates to the gaming machine.

26. The computer-readable medium of claim 25, wherein the gaming management service comprises a web service.

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27. The computer-readable medium of claim 25, wherein the service request comprises a request for configuration update by the gaming machine.
28. The computer-readable medium of claim 27, wherein the method further comprises:
receiving a configuration change; and
wherein the gaming management service issues a configuration update to the gaming machine in response to the configuration change.
29. The computer-readable medium of claim 25, wherein the service request comprises a request to download a configuration to the gaming machine.
30. The computer-readable medium of claim 25, wherein the service request comprises a query for the status of devices on the gaming network.
31. The computer-readable medium of claim 25, wherein the service request comprises an event report from the gaming machine to the gaming management service.
32. The computer-readable medium of claim 25, wherein the service request comprises a request for events that match a supplied criteria.
33. The computer-readable medium of claim 25, wherein the service request comprises a request by the gaming management service to query the gaming machine configuration.
34. The computer-readable medium of claim 25, wherein the service request comprises a request by the gaming management service to query a status of the gaming machine.
35. The computer-readable medium of claim 34, wherein the status includes a status of a device on the gaming machine.
36. The computer-readable medium of claim 35, wherein the device is a coin acceptor.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.